

ORIGINAL

RECEIVED

MAR 18 1996

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Implementation of the Cable)
Television Consumer Protection) MM Docket No. 92-260
and Competition Act of 1992:)
)
Cable Home Wiring)

DOCKET FILE COPY ORIGINAL

COMMENTS OF BELL ATLANTIC¹

In approaching the issues raised in the Commission's Further Notice of Proposed Rulemaking in this proceeding, the Commission should pursue a single objective: to permit individual tenants or, if that is technologically impossible, the building owner to obtain cable service from competing service providers in the least disruptive fashion and with a minimum of service delay.

In order to attain that objective, installation of loop-through wiring in multiple dwelling unit ("MDU") buildings should no longer be permitted. Such wiring carries a single stream of service in a bus-like fashion past all units served by that wiring. Because most loop-through wiring today is coaxial cable continuously carrying one-way transmissions of video programming,

¹ The Bell Atlantic companies ("Bell Atlantic") are Bell Atlantic-Delaware, Inc., Bell Atlantic-Maryland, Inc., Bell Atlantic-New Jersey, Inc., Bell Atlantic-Pennsylvania, Inc., Bell Atlantic-Virginia, Inc., Bell Atlantic-Washington, D.C., Inc., Bell Atlantic-West Virginia, Inc., and the Bell Atlantic Video Services Company.

it is not technologically possible for two or more service providers to share use of the wiring. This wiring architecture is therefore inherently anticompetitive: it requires all tenants to receive the same services from the same service provider, depriving individual tenants of control and consumer choice of telecommunications services. In order to permit meaningful access by MDU tenants to telecommunications services, the Commission should exercise its ancillary Title I jurisdiction over telecommunications services² to prohibit future installation of loop-through wiring in MDU buildings.

For the same reasons, the Commission should also require cable operators to allow a building owner to purchase loop-through inside wiring if service with the existing service provider has been terminated in favor of an alternative provider. Since control of loop-through wiring cannot be apportioned among individual subscribers served by that loop, for the reasons discussed above, giving the building owner control over the loop facilitates the transition from one provider to the next. For similar reasons, where the subscriber terminating service does not own the premises (whether in a single or multidwelling unit building), the premises

² See Section 4(i) of the Communications Act of 1934, 47 U.S.C. § 154(i).

owner should have the option to purchase the wiring if the tenant does not.

With non-loop-through wiring, individual tenants or subscribers should be given the right to purchase their cable home wiring if the building owner terminates service with the existing cable service provider in favor of a new provider.³

Finally, the Commission should clarify that a cable operator's obligation to remove wire within seven business days of the subscriber's termination of service applies whether or not the subscriber vacates the premises during that period of time. Since most subscribers probably prefer to continue receiving cable service right up until the day they move to new premises, relieving cable operators of compliance with the Commission's rules in those circumstances would essentially mean that such rules would have no practical effect.

³ Marco Cable's argument -- that no "voluntary termination" by the individual subscriber has occurred in those circumstances -- is a red herring. If the building owner had the right, under the subscriber's lease agreement, to terminate that cable service, the owner has acted as an authorized agent for the subscriber in doing so. See Cable Home Wiring Further Notice of Proposed Rulemaking, ¶ 41 at notes 90-92 (rel. Jan. 26, 1996).

Conclusion

The Commission should adopt the further cable inside wiring rules outlined above in order to promote consumer choice and competition in the video delivery market.

Respectfully submitted,



Edward D. Young, III
Michael E. Glover
Of Counsel

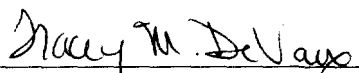
Betsy L. Anderson
Lawrence W. Katz
1320 N. Court House Road
Arlington, Virginia 22201
(703) 974-6348

Attorneys for Bell Atlantic

Dated: March 18, 1996

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of March, 1996 a copy of the foregoing "Comments of Bell Atlantic" was sent via first class mail, postage prepaid, to the parties on the attached list.


Tracey M. DeVaux

* Via hand delivery.

Dorothy Conway*
Federal Communications Commission
1919 M Street, NW
Room 234
Washington, DC 20554

Timothy Fain
OMB Desk Officer
10236 NEOB
725 17th Street, NW
Washington, DC 20503

ITS, Inc.*
1919 M Street, NW
Room 246
Washington, DC 20554